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FURTHER PROMOTION AND ENCOURAGEMENT OF HUMAN RIGHTS AND FUNDAMENTAL FREEDOMS, INCLUDING THE QUESTION OF THE PROGRAMME AND METHODS OF WORK OF THE COMMISSION

ALTERNATIVE APPROACHES AND WAYS AND MEANS WITHIN THE UNITED NATIONS SYSTEM FOR IMPROVING THE EFFECTIVE ENJOYMENT OF HUMAN RIGHTS AND FUNDAMENTAL FREEDOMS

Report of the Special Rapporteur on Violence against Women, its causes and consequences, Ms. Radhika Coomaraswamy

Addendum

Report on the mission of the Special Rapporteur to Poland on the issue of trafficking and forced prostitution of women (24 May to 1 June 1996)

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Introduction

1. At the invitation of the Government of Poland, the Special Rapporteur on violence against women visited Warsaw and Szczecin in Poland from 24 May to 1 June 1996, to study in depth the issue of trafficking and forced prostitution of women as one aspect of violence against women, its causes and consequences.

2. The Special Rapporteur would like to express her appreciation for the cooperation and assistance extended to her by the Government of Poland, enabling the Special Rapporteur to meet with representatives of all relevant sectors of society and to obtain the necessary information and documentation to be able to report to the Commission on Human Rights in an objective and impartial manner. In this context, the Special Rapporteur would like to acknowledge the sincere willingness of the Government of Poland to undertake efforts to combat the increasing phenomenon of trafficking and forced prostitution of women. Although the dimensions of the problem have certainly been recognized, practical action is still in its initial stages.

3. The Special Rapporteur would also like to express her gratitude for the efficient cooperation and support provided by the United Nations Resident Representative in Warsaw, Mr. Matthew Kahane, and the United Nations Development Programme in ensuring a substantively and logistically successful visit.

4. During her visit, the Special Rapporteur met with high-level government representatives at the Ministries of Foreign Affairs, Interior, Justice, Labour and Health and Social Welfare and at the Office of the President, with parliamentarians at the Seym, with the Ombudsman, with representatives of the police and the border authorities, non-governmental organizations and women's groups, as well as with academics. The Special Rapporteur also heard the testimony of one woman victim of trafficking and forced prostitution. A list of the principal persons consulted is annexed to the present report.

5. In connection with her mission, the Special Rapporteur participated in an "International Seminar on Trafficking in Women", organized by the non-governmental organization "La Strada" (Programme of Prevention of Trafficking in Women in Central and Eastern Europe), from 24 to 26 May 1996 in Warsaw. This seminar gave the Special Rapporteur the invaluable opportunity to meet with a wide variety of experts from countries of origin (Poland, Czech Republic, Ukraine, Belarus) and from receiving countries (Germany, Netherlands, Belgium), as well as with representatives of the police forces (mainly the organized crime divisions) and the International Criminal Police Organization (Interpol), lawyers, judges and representatives of women's organizations with experience in the field of trafficking and forced prostitution of women, and to study the phenomenon of trafficking from an international perspective, considering both the countries of origin and destination of victims.

6. The Special Rapporteur wishes to underline that the discussion on the subject of the present report is intended as a case study of a phenomenon that affects many countries of origin in Central and Eastern Europe in addition to Poland, such as Belarus, the Czech Republic, the Russian Federation and

Ukraine, as well as a number of countries of destination, such as Austria, Belgium, Germany, the Netherlands and Switzerland. The Special Rapporteur chose Poland as a case study on the basis of information, data and statistics submitted to her indicating that the number of women trafficked in the last four years from Poland had tripled. In addition, Poland, owing to its geographical location in central Europe, is not only a country of origin for trafficking, but also a transit country for those women who move from Eastern Europe to the West. Finally, the Special Rapporteur wanted to visit a country in which some initiatives at the level of the community and the State already exist to combat the phenomenon, so as to enable her to better understand the difficulties encountered and progress achieved in eliminating the trafficking and forced prostitution of women.

I. CASE STUDIES

A. The case of Anna

7. On 30 August 1995, Anna, 19, from Szczecin, was arrested in Switzerland by Swiss police authorities while she was working in a brothel near Zurich. When the Special Rapporteur met her in Szczecin, she was carrying a five-month-old baby. Anna - slight of build, extremely thin, with wide eyes and an ingenuous look which underscored her innocence - cradled the baby, the child of a client who refused to wear a condom while having intercourse with her. Despite its sad origin, the baby appeared to give her security and a reason to live. To outsiders she looked like a child herself whose newly acquired motherly attributes seemed part of the tragedy of a girl raped and betrayed by society.

8. When Anna was 17, she met Piotr Ruso while he was putting up colourful posters in the streets of Szczecin advertising summer jobs for domestic workers. When she expressed her interest in a summer job, Anna was offered work at Ruso's summer cottage. She was given the option to return if she did not like the job. On the same day, after informing her parents about the offer, Anna and a girlfriend were accompanied to the summer cottage by Ruso and his friend.

9. A few days later, Anna returned to Szczecin to tell her parents that she liked what she was doing and would stay for the summer. Her girlfriend, meanwhile, had decided not to stay. After working as a domestic helper for some weeks, Dzem, a Turk, and his Polish girlfriend Olympia, who were car dealers, offered Anna a job in Berlin as a domestic worker. Anna informed her parents of the new offer and told them that if she liked the job, she might stay beyond the summer holidays.

10. Anna was taken across the German-Polish border by car, showing a Polish identity card. Once in Berlin, she was taken to Dzem's and Olympia's apartment, told they were going to visit a friend and to put on an elegant dress and some make-up. She was then driven to an old house, in front of which Dzem announced to her that this was to be her first house-visit as a prostitute. Anna, shocked and dumbfounded, and with no chance of escape, thought that she might be able to run away after Dzem and Olympia left her at the house. Upon entering, however, the door was locked behind her and she had

to face an old man of 60, who stank and seemed completely drunk. Anna had to submit to a 90-minute sex ordeal, after which Dzem and Olympia came back for her.

11. When Anna protested vehemently that she wanted to return home, Dzem and Olympia physically attacked her. In fact, Anna felt that they seemed to enjoy beating her. They also confiscated her identity card and, therefore, her chance to return. Anna had no option. Filled with terror before such a sadistic and violent couple, she gave in to their will and was forced to prostitute herself.

12. Anna had to serve five to six clients a night and was promised 40 deutsche marks per client. Another, very young girl from Szczecin joined Anna later and the two young women were kept under constant guard. They were locked up in the apartment or constantly accompanied by Dzem or Olympia. During this period Anna was allowed to call her family from public telephone booths, in the presence of Olympia who understood Polish, so that Anna was too frightened to say anything and only told her parents that she was fine.

13. Finally, Dzem and Olympia, fed up with Anna's continuous resistance, "sold" her to Ali, the owner of "Café Casablanca" in Berlin. Anna was again kept under lock and key, serving clients in the brothel behind the bar from 8 p.m. to 4 a.m. She received 10 deutsche marks per client, from which all expenses, including clothing and food, had to be paid. Every Saturday, Anna was again escorted by someone who spoke Polish to a phone booth to call her parents.

14. One day Anna spotted an open window and decided to escape with a friend who had recently developed a relationship with a Turk. Her friend went ahead and Anna, after having successfully searched the bar for their documents, packed their belongings and called Dzem's and Olympia's driver, who had taken a liking to her, to pick her up. She went to the Turk's workplace, then to his home - to no avail. Anna then asked the driver to take her to the train station from where she called Ruso in Szczecin and begged him to help her. She cried and screamed until he promised her to send a taxi across the border to bring her back to his cottage. Anna waited for six hours at the train station, near the police booth, fearful that Ali, the owner of the bar, might find her.

15. Anna returned to Ruso's cottage in Poland. Grateful for his help, Anna trusted Ruso, who denied knowing anything about Dzem's and Olympia's activities and had offered to call the police. She decided to continue to work at the cottage as a domestic. She did not want to return to her parents' home ashamed of her experience in Berlin

16. After some weeks, Ruso's friend Dragan invited Anna to go with him to Switzerland to find a husband. Anna had already heard from a friend who had gone to Switzerland with the same offer that she was delighted with her new husband. She decided to take the same opportunity and went to Switzerland at the beginning of August 1995.

17. The horror repeated itself: Anna was forced to work as a prostitute in a brothel near Zurich, without documents, confined to her room, with no money

and little food. Anna was frightened of Dragan, who had become threatening and had promised her that she could always go back to Poland in a black plastic bag if she did not like her job. Finally, after four weeks, Anna was able to confide in a client, who took pity on her and alerted the police. The brothel was raided. Dragan and his conspirators were arrested. Anna, after a one-month ordeal during which she told her story to the police, was deported from Switzerland in September 1995.

18. Anna told the Special Rapporteur that her first client in Switzerland, a man named "Auto-Hans", made her have intercourse with him without a condom. Anna believes that he is the father of the child and she sought the Special Rapporteur's assistance in trying to make him acknowledge and financially support the child.

19. Anna's testimony was the breakthrough in a comprehensive police investigation which is ongoing in Poland, Germany and Switzerland. Anna is not bitter despite her terrible experiences, only concerned about her child. She told her story without malice or rancour, helping the police to bring the perpetrators of the acts described above to justice. Anna is now staying with her parents and, with enormous courage and despite her victimization, she is determined that justice will prevail and that her baby will have a fair chance in life.

B. The "Djivex IV" case

20. On 16 October 1995, the arrest, following a police ambush, of Piotr Ruso, owner of a massage parlour/party agency in Szczecin, marked a success for the largest-scale investigation in Poland so far concerning trafficking in women. In total, 130 witnesses have been interviewed, of whom 46 are women who worked abroad as prostitutes. Ruso is suspected to have trafficked at least 71 Polish women to agencies abroad for the purpose of prostitution.

21. The establishment of an "entertainment agency" by Ruso at the Kamina Hotel in Nowograd in October 1992 constituted a turning point in the organized trafficking of women from Poland. At least 10 out of 13 women employed there between October 1992 and March 1993 were transferred to similar "agencies" in Germany managed mostly by Turkish nationals. The traffickers were identified by the witnesses as Piotr Ruso, a Pole, and Zeki Altan, alias "Niki", a Turk, both permanently residing in Berlin, who had introduced themselves as employers (owners of nightclubs and bars in Germany) and offered them 2,000-3,000 deutsche marks to work as maids, cooks, waitresses, barmaids, cleaners and baby-sitters. The women were also promised accommodation and protection. Ruso and Niki also offered to provide passports and identification documents for those who did not possess any, the fees for which would be deducted from their future earnings.

22. It appeared that the criteria for selecting women were the following: young (between 16 and 20 years old), in a difficult financial situation, willing to earn money quickly abroad and with a low level of education. According to testimonies by women working at the agency, Ruso received between DM 1,000 and 3,000 for each woman "sold" to Germany, depending on her attractiveness and the duration of her stay abroad.

23. Once in Berlin, the women were sold mainly to Turks, who confiscated their passports and informed them of their future as prostitutes. Those who resisted were confined, starved, threatened, battered and raped, until they agreed to provide sexual services to clients, mostly on a call-in basis and always escorted by a driver/bodyguard for DM 120 to 150 per client. The women's share would not amount to more than DM 30 to 40, out of which clothes, cosmetics and other expenditures had to be paid.

24. By the beginning of 1993, an increasing number of new "agencies" had been established in Berlin, all traced to Ruso. He reportedly was a co-owner of six of these establishments, receiving DM 10 per hour of sexual services provided by each woman trafficked by him. The police have established that Zeki Altan, alias "Niki", owned two agencies - "Niki's Bar" and a call-girl agency, employing in total not less than 33 women. Eighteen of these women, most of whom were Polish but also including Russians, Bulgarians, Czechs and Turks, were identified and 14 gave testimonies.

25. Another agency was owned by a Turk called Eyup Bektas, alias "Niko", who employed at least 18 Polish women trafficked by Ruso. Fourteen were identified and 12 gave testimonies. Onur Oztruk, alias "Riki", another Turk, owned one agency in Berlin where at least 29 Polish women trafficked by Ruso served as prostitutes (24 were identified and 19 testified) and one agency in Frankfurt. In Frankfurt, at least five Polish women provided by Ruso were employed, three of whom have testified. "Riki" operated jointly with Ruso as a coordinator of the transfer of women from Poland and their employment in Germany.

26. Another eight Polish women, all identified and interviewed, were employed by a Turk called Cengiz Macuk, alias "Dzingis", in his agency. The fifth owner of an agency was a Turk called Dzem, alias "Doom", together with a Polish woman identified as Ellmpla Szymczak, alias Olympia. They employed 15 Polish women, one of whom was Anna (11 were named and 9 interviewed). A further 19 Polish women (of whom 10 were identified and 6 testified) were employed by Abdullah, alias "Antonio", a man of Arab origin.

27. The police investigation also discovered that Ruso had trafficked at least five women to a Swiss agency near Zurich, managed by a Swiss of Yugoslavia origin, Dragan Ackermann. All five women were identified and testified that they had been forced to work 24 hours per day as prostitutes, brutally treated, starved and battered by Ackermann and "delivered" to clients all over Switzerland, Austria, France, Germany and Italy for sexual services.

28. The police investigators have also succeeded in locating another agency in Vinaros, Spain. At least four Polish women worked there, two of whom had previously worked for Ruso. Their testimonies indicate that they had been trafficked by two Poles, a Ukrainian and an Algerian permanently residing in Lyon, France. A separate investigation is being conducted on this matter.

II. GENERAL POLITICAL BACKGROUND

29. The year 1989 was a major turning point in the history of Poland. After a democratic revolution, the country pledged itself to a comprehensive formula of political and economic reform. This programme of reform was linked to the

development of a parliamentary system of government and aimed at developing a liberalized market economy. In the elections held in 1995, the Communist Party of Poland won the presidency and currently rules in a coalition with the National Peasant Party. The opposition comprises Solidarity and parties close to the Catholic Church. The ruling coalition is concerned about slowing the pace of market reform but appears to differ on the importance of social issues. However, in her encounters with leading politicians in the country, the Special Rapporteur detected openness and genuine interest in putting an end to forced prostitution and trafficking of women in Poland.

III. POSITION OF WOMEN IN POLISH SOCIETY

30. Article 67 of the Polish Constitution guarantees equal rights for women and men in Polish society. Article 78 provides for equal rights in employment and constitutionally protects social welfare benefits, such as maternity leave, nurseries and preschools. Apart from the Constitution, however, there exists no general subordinate legislation guaranteeing equal rights for women.

31. The generally equal status of women in Polish society is reflected by the statistics for education. 1/ More than 51.4 per cent of all university students are women, 75 per cent in the humanities, 62.5 per cent in medicine, 50.3 per cent in law and 17.4 per cent in technical assistance. 2/ In addition, over 50 per cent of Polish women work. These positive statistics are, however, countered by other realities pointing to the fact that, although women are guaranteed formal equality, they have yet to experience equality in fact.

32. After the first free and fair elections in post-communist Poland, in 1991, only 9.3 per cent of the Seym and 8 per cent of the Senate were female. The Special Rapporteur was informed that women were mostly in "soft areas" of the professions, rarely at the management level, so that the lower paid and less prestigious professional jobs were dominated by women. Despite being highly educated, women constitute only 15 per cent of university professors. 3/ Women also tend to prefer "9 to 5" jobs in the State sector to accommodate the dual burdens of career and family. Interestingly, out of 6,121 judges in Poland, 3,842 are women, i.e. over 50 per cent of the judiciary are women. 4/ This is explained by the fact that, although men outnumber women in the legal profession, men have migrated to the more lucrative, private areas of the profession.

33. The collapse of the communist system brought many benefits to Polish society but also, in the context of women's rights, serious challenges. Firstly, under the communist regime the problem of unemployment was not acute. Today, unemployment is as high as 15 per cent to 20 per cent in certain parts of the country. 5/ The majority of the unemployed are women: in early 1995, 54 per cent of the registered unemployed were women, amounting to 1.5 million people. 6/ As many persons the Special Rapporteur met with noted, there exist dramatic differences in job opportunities for women as opposed to men, to the effect that job announcements are at times gender-specific. In October 1990, a survey reported that for each job offer for women there were 37 unemployed women, whereas for each job offer for men there were 10 unemployed men. 7/

34. The communist system also provided for an extensive network of child care and child assistance. Day care for children was affordable and generally available. Since the end of the communist period, over half of the day care centres have closed. 8/ Women are sometimes persuaded to stay at home to bring up the family, becoming dependent on a male income. The lack of support for family services in the community greatly disempowers women in public life and contributes to their marginalization.

35. As for violence against women in Polish society, in general no real data are available. With regard to domestic violence, article 184 of the Penal Code provides a gender-neutral vantage point and covers women battery, husband beating, child abuse and abuse against elderly couples. The sentence for domestic violence is between 5 and 10 years' imprisonment. In 1994, out of 10,469 persons convicted of domestic violence, 10,265 were male. 9/ In the same year, 1,174 persons were convicted of rape under article 168 of the Penal Code representing a 40 per cent increase in comparison with 1981. This may point to a general increase in violence against women in Polish society. 10/ The high incidence of alcoholism in Poland is another underlying factor to be considered. Over 50 per cent of the divorces within the age group 30 to 50 years are due to alcoholism. 11/

36. With regard to the position of women in Poland in general, the Polish legislature is currently debating whether to introduce a Gender Equality Act to ensure women's equality in all areas or to make specific changes to relevant existing legislation. The women's movement is advocating for such an act which would, in addition to the Constitution, provide an important legal tool in the vindication of the rights of women.

IV. SOCIO-ECONOMIC CAUSES

37. The socio-economic factors which have led to the problems of forced prostitution and trafficking are diverse. The International Organization for Migration (IOM) states very clearly that victims of trafficking usually come from towns and villages hardest hit by unemployment. It is argued that there exists a strong correlation between trafficking and unemployment. 12/

38. In Poland, as mentioned above, 54 per cent of the registered unemployed are women. In addition, the percentage of women in jobs has steadily decreased from 78 per cent in 1985 to 57 per cent in 1994. 13/ Although there seems to be an increase in female independent entrepreneurship, the Special Rapporteur considers the employment figures to be very disturbing. The Centre for the Advancement of Women in Warsaw has conducted extensive research on the problem of women and employment. Their survey, conducted in 1993, clearly demonstrates that men are hired twice as often as women for new jobs. 14/

39. The correlation between unemployment and trafficking and prostitution has not been thoroughly researched. The statistics given to the Special Rapporteur by the Centre for the Advancement of Women reveal that the provinces with a high incidence of trafficking and forced prostitution are those with a large number of unemployed women with a low level of education. There appears to exist a correlation between low levels of education, high unemployment and trafficking and forced prostitution. The Centre also pointed

out, however, that the areas with the most female unemployment in Poland were, in fact, not the same areas which have been experiencing increased incidents of trafficking and prostitution. The highest rates of female unemployment are found in the mining areas of south-west Poland, areas which are not disproportionately implicated in the trafficking and prostitution network. It is, therefore, concluded that women's unemployment per se is not the sole cause of trafficking and prostitution, but that women with a low level of education, who are unemployed and live near border areas are more susceptible to becoming victims of trafficking and prostitution. 15/

40. In Poland, there is also growing unemployment among young people; the unemployment rate for those under 24 is 34.6 per cent (amounting to 500,000 unemployed women alone), and for the age group 25 to 34 the figure is 27 per cent. 16/ The high rates of unemployment may be the reason why many young girls and women find a vocation in prostitution. A survey of 155 women who had been trafficked to the Netherlands revealed that the majority of those from Eastern and Central European countries were under 25, some between the ages of 15 and 18. 17/

41. In this connection, the Special Rapporteur noticed in her discussions that, although the connections are not yet statistically proven and mitigating factors exist, the general impression among policemen, legislators and researchers was that unemployment resulting from economic reforms has led to the growth of trafficking and prostitution in Poland. It was their belief that many women victims came from areas with low industrialization, which had been dominated by the State-owned farming system destroyed by economic reform. With the privatization of State-owned farms, many people became unemployed with few alternative avenues for employment. It is also believed that, as the Polish agricultural sector was streamlined according to European Union agricultural policies, the problem will be exacerbated. It is, therefore, expected that the problem of trafficking and prostitution will continue to be a major area of concern for Polish policy makers.

42. Besides economic factors such as unemployment, cultural factors were cited by many experts as contributing to the problem of trafficking and forced prostitution, in particular in view of Poland's history and culture of migration. Since the nineteenth century, people have migrated abroad during times of economic hardship, making it acceptable also for women to seek employment abroad as a means of livelihood. 18/ It was also argued that there have existed patterns of trafficking involving Polish women, especially to Latin America, since early in the twentieth century. Organized rings are said to have existed from before the outbreak of the Second World War. 19/ A culture and history of migration during times of hardship, coupled with the present situation of open borders, may therefore explain the ease with which migration has taken place since 1989.

43. It was also contended that economic liberalization also brought with it organized enterprises involved in sex and pornography. Such an organized industry, sometimes linked to organized crime, has established itself and expanded rapidly in Poland and other countries of Central and Eastern Europe, to the extent that trafficking and prostitution have developed into viable commercial enterprises. In addition, the freedom to travel across boundaries without many restrictions has also significantly contributed to the

internationalization of the sex industry. The minds of young women are filled with myths of becoming millionaires overnight if they sell their bodies.

V. STRUCTURE OF TRAFFICKING AND FORCED PROSTITUTION

44. Trafficking of Central and Eastern European women reached epidemic proportions in the beginning of the 1990s. According to experts whom the Special Rapporteur interviewed, four waves of women trafficked from different parts of the world to Western Europe, especially to Germany, the Netherlands, Belgium and Switzerland, can be identified. The first such wave came from South-East Asia in the 1970s and early 1980s; the second from African countries, such as Ghana, Nigeria and Zaire; and the third from Latin America, especially the Dominican Republic. Finally, in the 1990s, the fourth wave is from countries in Eastern and Central Europe.

45. In 1992, there were no women victims of trafficking from Central or Eastern Europe seeking assistance from STV, a Dutch non-governmental organization working with trafficked women. In 1994, however, 69 per cent of the organization's clients were from that region. 20/ Although the majority of victims came from the Russian Federation and the Czech Republic, Polish women were the fourth largest group. Payoke, a Belgian non-governmental organization working with trafficked women, claimed that most of its victims from Central and Eastern Europe in 1993 were from Poland. In addition, similar organizations working in Switzerland reported that 34 per cent of women who sought assistance were from Central European and Eastern European countries. 21/ According to IOM, the 1990s also witnessed the growth of trafficking in extremely young women: many of the victims of trafficking from Central and Eastern Europe were between the ages of 15 and 18. The influx of Central and Eastern European women is also facilitated by the fact that their physical appearance is more European and, therefore, less likely to arouse the suspicion of border guards and security police.

46. Although many Polish women are trafficked to Germany, the Netherlands, Belgium and Switzerland, Poland, because of its geographical location, is also a transit country for women from the former Soviet Union and other Eastern European countries moving to Western Europe. The phenomenon of being a sending country, a country of destination and a transit country at the same time has made Poland highly visible in the arena of international trafficking. The Special Rapporteur considers that government officials are aware of the various problems facing Poland, but that concerted action with regard to eliminating the problem of trafficking and forced prostitution is still lacking.

47. According to the above-mentioned STV study, the social profile of the trafficked woman from Central and Eastern Europe is between 19 to 24 (and increasingly from 15 to 18) years of age, single, and without children. Only 17 of the 44 women from the Central European countries who came to STV knew that they were being trafficked for prostitution. 22/ They were transported across the borders by car or tourist buses and their passports were confiscated. They were required to work 9 to 12 hours per day, sometimes as much as 13 to 18 hours. They were dependent on the trafficker for

protection livelihood and physical violence was used against them. Tragically, former victims of trafficking sometimes become traffickers themselves, recruiting and trafficking other women.

A. Types of prostitution

48. The Special Rapporteur, in her discussions with experts, was able to identify the following types of prostitution which are most common in countries of origin, as well as of destination:

(a) Escort services, providing generally well-educated women for a clientele of wealthy foreign businessmen;

(b) Restaurant or hotel prostitution, where the prostitutes are generally known to the hotel staff;

(c) Fitness or massage parlour/club/peep-show prostitution;

(d) Street prostitution;

(e) Telephone sex, an increasing phenomenon in Poland since telephone lines have become publicly available and affordable; and

(f) "Window-prostitution", particular to the Netherlands.

49. Women victims of trafficking are mainly used to work in the first three categories mentioned above. In the voijvodship of Szczecin, a province bordering Germany in the north-west, certain economic and social developments in connection with prostitution and trafficking have been observed, according to the municipal police. Before 1990, the centres of prostitution were concentrated mainly in hotels and restaurants, whereas after 1990, a tremendous increase in the establishment of massage parlours and fitness clubs, serving unofficially as brothels, has been observed. Such parlours are regularly controlled by the police, in cooperation with other authorities (such as revenue and health services) and the owners of the establishments are mainly Polish citizens. It is, however, criminal gangs that control these parlours and owners are often required to pay "protection money" to be free from threats, blackmail and physical violence.

50. In addition, the Special Rapporteur was informed of a very recent phenomenon in Poland, namely "highway prostitution" (or "TIR prostitution"), which is on the increase in border-crossing regions between Poland, Germany and the Czech Republic. Normally, such prostitutes are foreign women who have entered the country on tourist visas and serve a clientele of mainly long-haul truck drivers very close to checkpoints. For example, Krajnik, Poland, a checkpoint at the Polish-German border, is currently frequented by 20 to 30 Bulgarian women who enter Poland on tourist visas valid for a maximum of 30 days, then return home and re-enter on a new tourist visa after a short period.

51. Finally, a rising incidence of occasional or "weekend prostitution" by young housewives or students wanting to improve their standard of living by prostituting themselves on weekends or for a limited period of time, as a

direct result of the economic crisis and unemployment, is becoming apparent. According to the Ministry of Labour, in a survey carried out amongst female students at the University of Warsaw, every sixth female student admitted to occasional prostitution.

52. Another aspect of occasional prostitution is the clear link between drug abuse and the prostitution of young women (between 15 and 24). According to Ministry of Health officials, in order to earn money for drugs young women resort to prostitution and are ready to accept all forms of sex/sexual acts, including unprotected intercourse, for more money. In this connection, it is significant to note that 75 per cent of Polish women infected with HIV/AIDS are drug users and that in the last four years, "traditional" sexually transmitted diseases among risk groups have decreased, whereas HIV/AIDS infection has markedly increased.

53. In recent times, organized crime has begun to form an important part of the Polish underground. As already mentioned, many brothel operators or middlemen are required to pay protection money to organized crime. However, prostitution and trafficking as an enterprise is mainly conducted by small organized rings of five to six persons with criminal contacts. A similar type of ring is also said to exist for stolen vehicles. According to police sources, while a stolen vehicle may cost DM 15,000, a woman may be bought for a brothel for only DM 3,000-5,000. 23/ The degradation of human beings resulting in this kind of exploitation is particularly disturbing since it is carried out with such ease. In recent times, the media have published sensational stories of "prostitutes turned millionaires". It is important to realize that they remain the exception. From the Special Rapporteur's research and fact-finding, it is clear that the vast majority of these women are exploited and intimidated in a manner which clearly indicates that they are victims of violence against women.

B. Profile of the victim

54. As the report to the Fourth World Conference on Women states, "the typical image of an unemployed woman in Poland is the following: most often she is young, under 35 years of age, with vocational or secondary vocational education, dismissed in the framework of mass lay-offs". It may be argued that this is the same group which is easily lured into a life of forced prostitution and, more often, trafficked against their will.

55. In addition, factors cited above, such as traditional migration for labour, shape the profile of young women susceptible to trafficking and forced prostitution.

C. Profile of the trafficker

56. The social profile of the trafficker, as opposed to that of the victim, is more difficult to analyse. Although many Polish and other individuals from receiving countries have been implicated in the crime of trafficking, the police investigating such cases refer explicitly to a nationality factor. Most cases that have been or are currently being investigated in Poland indicate that traffickers originate mainly from the Russian Federation, Poland, Turkey, Germany (or German citizens of foreign origin) Albania,

territories of the former Yugoslavia and from the former Soviet Union. In Germany, for example, 50 per cent of suspected perpetrators are foreigners with legal residence permits. According to police sources, the Turkish minority in Germany appeared to be particularly heavily involved in trafficking. Men from territories of the former Yugoslavia were also thought to be implicated.

57. The Special Rapporteur, however, is not in a position to assess whether such a nationality correlation is correct, since there were no relevant statistics available. Notwithstanding, police officers did inform the Special Rapporteur that "... certain nationalities are more likely to commit the crime of trafficking ...", 24/ so that if a Turkish man is seen with a woman from Central or Eastern Europe, suspicions are immediately aroused. In this context, it is important to assess whether these police perceptions are true, and if they are, to raise the more difficult question of how minorities forced to live on the margins of a given society become involved in certain crimes as a means of livelihood. Many criminal networks are operated by migrants who themselves may have been trafficked to Western Europe. Once victims, they become perpetrators themselves in what appears to be a vicious cycle. It is for these reasons that the Special Rapporteur considers that economic and social policies targeted at minorities living at the margins of host societies may also assist Governments in preventing and eliminating trafficking of humans across borders.

58. From information provided by the Polish police the Special Rapporteur is able to deduce that whereas the average age of persons involved in trafficking of women ranges between 20 and 55 years, many of the recruiters who form the first contact with the victims are young males between 20 and 25. Traffickers in both the country of origin and the country of destination generally have links to professional criminal organizations, which provide security and protection for the trafficker whilst at the same time endangering the women victims.

59. Trafficking in Poland has acquired the character of an organized crime functioning according to the same principles and methods of work as traffic in weapons, nuclear material, cars and drugs, albeit on a smaller scale. Criminal rings of four to five traffickers with German-Polish cross-border links are sometimes also operated on the side by bigger trafficking rings. It is precisely the increasingly organized character of the crime that makes traffickers powerful and life for women victims, even upon return, dangerous and/or difficult. These factors largely account for the acute lack of witnesses in cases involving trafficking in women, allowing traffickers to act with virtual impunity. As a result, according to the Ministry of Labour, trafficking and prostitution have evolved into serious economic activities in Poland, making it increasingly difficult to combat or eliminate.

VI. RECRUITMENT METHODS

60. How are women, especially those who are trafficked across borders, recruited into forced prostitution? As mentioned above, Poland owing to its geographical location, is often the place where the first contacts between young Polish and foreign women in search of employment and the traffickers are made. Methods of recruitment are varied, but all of them intend to deceive

the victim about the true nature of her employment abroad, lure her into a confidence relationship with the trafficker and eventually create an unescapable dependency on the eventual "employer". According to the Polish police, the primary means of recruitment is through press advertisements for hostesses, waitresses, au pairs, dancers, entertainment artists, governesses, baby-sitters and bar maids. In addition, advertisements seeking young women for matrimony are also often only a cover for trafficking. In some countries, such as Belgium, "agency houses" directly recruit women into the entertainment business from abroad. Other informal methods, such as through friends, acquaintances and conversations in local cafés and pubs, are also important means by which women become ensnared into a life of prostitution and trafficking.

61. The Special Rapporteur was informed that in only very few cases are contracts signed between the trafficker and the woman concerned. If a contract exists at all, it is often in a foreign or non-existent language, incomprehensible to the woman, for recruitment as an artist, dancer or similar. The consideration also arises in countries of destination as to whether work permits should be issued only to women who have such contracts. In Belgium, the police provide women with a booklet advising them to seek a contract ensuring them a decent residence, a livable salary and that requires them only to perform the functions mentioned in the contract, so that demanding sexual services would be in violation of the contract. At contract expiry, the employer has the obligation to cover the cost of return. However, despite the good intentions of the police, the Special Rapporteur considers that the actual bargaining power of these women is so limited that it is unlikely that they will succeed in extracting such protective contracts from their traffickers or brothel owners.

62. The advertisements for the above-mentioned posts often contain a proviso promising free accommodation and full board. For many young women who leave home, the enticement of accommodation is a very important incentive as housing in Poland is so scarce that independent living is rarely possible for women with lesser means. These women are sometimes aware of what is expected of them abroad and often agree to leave their country in expectation of a substantial increase in income. What they are not aware of, however, are the conditions of virtual slavery and debt bondage they might find themselves in abroad. The Special Rapporteur would, however, like to underline that the majority are not aware of their fate. According to police sources, and as mentioned above, recruiters "earn" approximately DM 3,000 per woman from brothel owners in Germany. If the woman is beautiful, the recruiter may get as much as DM 5,000; if she is considered old or ugly, the recruiter might receive only DM 500. 25/

63. As in the "Djivex IV" case currently under investigation, middlemen, or traffickers themselves, approach young women and girls, generally attractive, young and naive, in public places, such as in nightclubs or bars, or even in the street, offering employment abroad as au pairs, domestic helpers, models or similar. Often recruiters spend considerable time in gaining a victim's confidence before actually transporting her abroad. The Special Rapporteur, for example, learned of cases in which women were kept temporarily in apartments, either in the home or transit country, in very good conditions before crossing the border, until they learned to trust the

recruiter/trafficker. In other cases, traffickers disguised as clients recruit women from so-called massage or fitness parlours to go to Western European countries, so that women are in effect "sold" from one criminal gang in Poland to another in the West.

64. After the initial contact has been made and the women's interest sparked, the trafficker offers to handle all logistical matters related to the travel abroad, including travel documents, if necessary. Many women are required to pay a substantial amount of money in advance to the trafficker for all such arrangements, resulting in women being indebted to their traffickers even before they have left their home country.

65. The most common and cheapest method of transport of women is by private car, followed by bus and train. According to the Polish police, ferries and cargo boats are not known to serve as transport, especially in view of the higher costs involved. The transport across borders is mostly legal, with passports and identity cards, so that even if the suspicion of trafficking exists, border authorities cannot take action until the woman herself requests for or hints at intervention. The Special Rapporteur recognizes that the legal nature of the border-crossing of women and their traffickers is one of the most difficult elements to overcome in preventing trafficking. In this connection, the Dutch non-governmental organization TAMPEP argues that if prostitution for non-European Union citizens is legalized within the Union, middlemen and traffickers would not be needed and the women's conditions in the country of destination would improve.

66. Once the woman reaches her destination, her passport is usually taken away and given to the brothel owner, who thereby acquires control over her. She is beaten into submission and forced to consent to her new life as a prostitute. Representatives of non-governmental organizations and of the police constantly reiterated that violence was commonly used against trafficked women to make them conform to the lifestyle of the brothel. Once she begins work, according to police sources, only 20 to 40 per cent of her daily earnings are is given to her and she may have to serve as many as 20 clients per night. 26/ The non-governmental organization STV confirms that in its experience women are never allowed to keep more than 25 per cent of their earnings.

67. Life in the brothel is difficult and harrowing. As already mentioned, the cost of transporting the woman across the border is considered by middlemen as a debt owed by the woman, to be repaid over the course of time. This slavery-like practice of debt bondage was commonly recounted to the Special Rapporteur during the fact-finding mission. The woman victim is also made to pay for clothing, food, medicine and other expenses from her meagre earnings. The trafficked woman enters a culture of illegitimacy where lies and deceit prevail and debt, physical violence and lack of control over her documents make escape impossible. She enters a state of vulnerability and dependence, which in turn becomes a basis for exploitation and control. Many women were subjected to 24-hour surveillance and locked up inside the brothel during non-working hours.

68. There do exist isolated cases where women were satisfied living in brothels, especially if the brothel owners treated them well. While the

Special Rapporteur was informed that a few women had said that living in a brothel was comparable to living in an extended family and that they were well taken care of, the Special Rapporteur wishes to emphasize that this constitutes the exception and not the rule.

69. All the factors mentioned above make the return of women to their country very difficult, if not impossible. In any case, before women are allowed to return, they often have to hand over all their money to their employers and have to leave empty-handed. Those women who actually return mostly hide their traumatic experience for fear of rejection at home, or of reprisals and intimidation in view of the organized nature of the crime, resulting in chronic under-reporting of the crime. Returning women also do not ask for help from social services or women's groups, although many frequently suffer from mental trauma, physical and psychological problems, unwanted pregnancies and from HIV/AIDS or other sexually transmitted diseases. Officials of the Polish Ministry of Health are very concerned that women who want to hide their experiences abroad do not seek medical help, making HIV/AIDS prevention efforts difficult.

70. In this context the case study of a 27-year-old Czech doctor, told to the Special Rapporteur by a member of the Dutch police force, gives a sense of what life is like even for prostitutes who were initially willing to be trafficked. The doctor was told by many of her patients that considerable amounts of money were to be made in prostitution in the Netherlands. Convinced that she could use her quick earnings from abroad to build up a private practice, the doctor made the necessary contacts and was taken to a brothel in the Netherlands. There her life became hell. When she resisted and tried to escape, the brothel owner caught her, beat her mercilessly and then made her dig her own grave. She was stripped naked, put into the grave and a pistol was held to her head. Although the aggressors did not kill her, they thought they had terrified her into submission. However, she finally escaped and is currently helping the Dutch police to investigate her case, as well as the general issue of trafficking from the Czech Republic to the Netherlands. 27/

VII. THE LEGAL FRAMEWORK

A. At the international level

71. The international framework governing trafficking and forced prostitution is the 1949 Convention for the Suppression of the Traffic in Persons and of the Exploitation of the Prostitution of Others, which entered into force in 1951. Sixty countries have ratified the Convention, including Poland.

72. The Convention states in article 1:

"The Parties to the present Convention agree to punish any person who, to gratify the passions of another:

"(1) Procures, entices or leads away, for purposes of prostitution, another person, even with the consent of that person;

"(2) Exploits the prostitution of another person, even with the consent of that person."

73. In article 2 the Convention provides that:

"The Parties to the present Convention further agree to punish any person who:

"(1) Keeps or manages, or knowingly finances or takes part in the financing of a brothel;

"(2) Knowingly lets or rents a building or other place or any part thereof for the purpose of the prostitution of others."

74. The Special Rapporteur considers that one of the difficulties of the 1949 Convention is that it establishes no mechanism to oversee the implementation of the Convention. There exists no compulsory reporting requirement nor a committee to supervise the implementation of the Convention. Article 21 of the Convention requires all States Parties to communicate to the Secretary-General on an annual basis information on laws and regulations relating to the subject of the Convention, a compilation of which should be published periodically by the Secretary-General. However, with no monitoring mechanism, the Convention is regarded by some commentators as "soft law", in character closer to a declaration. 28/

75. The Convention is also criticized by many groups for criminalizing prostitution. Under the Convention, prostitution, even with the consent of all parties, is forbidden. Many people feel that voluntary prostitution should be permitted and that only exploitation and abuse should be punished. 29/ It is argued by these groups that the States should not intervene in the private lives of citizens. The provisions of the Convention addressing rehabilitation and social adjustment of victims (art. 16) are also thought to be misplaced: the basis of State intervention should be whether the person concerned is being prostituted or trafficked against her will. 30/ This is a controversial stance and there are equally vociferous groups which believe that prostitution in itself is demeaning to women and that consent should not be a factor in its criminalization. These groups argue that economic factors essentially predetermine choice and that it is not plausible that women voluntarily become victims of trafficking and prostitution.

76. The Special Rapporteur feels that a fuller discussion of these issues is required before any final conclusions are reached. However, the Special Rapporteur is essentially concerned with violations of international human rights law, that is the victim must not be penalized, physical integrity must not be violated and violence as defined by the United Nations Declaration on the Elimination of Violence against Women must be prohibited and punished.

77. In addition to the 1949 Convention, there are other international instruments which relate to the practice of trafficking and prostitution. The League of Nations Slavery Convention of 1926 and the Supplementary Convention on the Abolition of Slavery, the Slave Trade, and Institutions and Practices Similar to Slavery of 1956 condemn slavery-like practices, including debt bondage and forced marriages. Special note should be taken of the activities

of the Working Group on Contemporary Forms of Slavery of the Sub-Commission on Prevention of Discrimination and Protection of Minorities and of the Programme of Action for the Prevention of the Traffic in Persons and the Exploitation of the Prostitution of Others (E/CN.4/Sub.2/1995/28/Add.1) approved by the Commission on Human Rights at its fifty-second session. The Programme of Action requests States to take all necessary steps to ensure the implementation of the 1949 Convention and encourages States to transmit regular reports to the Secretary-General on its implementation. In addition, the Programme of Action, in its introductory remarks, points to the need for the development of a political and social will to combat the traffic in persons and the exploitation of the prostitution of others "not only because they remain rife in various parts of the world but also because they are acquiring new forms and are being pursued on an industrial scale to a dangerous extent".

78. Furthermore, and as already mentioned, the trafficking and forced prostitution of persons is considered to be a basic violation of human rights. "States are under an affirmative duty to take steps to eradicate forced trafficking in persons, exploitation from prostitution, slavery-like practices, forced labour and coerced marriage." 31/ In this context, article 9 of the International Covenant on Civil and Political Rights provides that "everyone has the right to liberty and security of person. No one shall be subjected to arbitrary arrest or detention. No one shall be deprived of his liberty ..." and article 23 (3) prohibits forced marriage. Both provisions are highly relevant in the discussion of violence against women and the problem of trafficking and forced prostitution. Certain groups of non-governmental organizations have also argued that trafficking and forced prostitution violate the equality provisions contained in the International Covenant on Civil and Political Rights because the general tolerance of these activities by the police force and the State point to unequal implementation of laws. 32/ These same groups also argue that the Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment is relevant because the Convention confers a duty on States to prevent severe pain or suffering, whether physical or mental, which is intentionally inflicted. 33/

79. In addition to the above, the International Labour Organization Forced Labour Convention (No. 29) of 1930, concerning work or service extracted from any person under the menace of penalty and for which the person has not offered himself voluntarily, is also an international standard which has some bearing on trafficking and forced prostitution. Finally, and perhaps most pertinently, the Convention on the Elimination of All Forms of Discrimination against Women prohibits trafficking and the exploitation of prostitution in its article 6: "States Parties shall take appropriate measures, including legislation, to suppress all forms of traffic in women and exploitation of prostitution of women."

B. At the national level

80. Article IX, paragraph (1), of the Polish Penal Code states that "any person who provides, entices or abducts another person with the purpose of practising prostitution, even upon the consent of such person, shall be liable to a penalty of deprivation of liberty for a period not shorter than three

years". Paragraph (2) states that "any person who is engaged in women's traffic, even with their consent," shall be liable to the same penalty.

81. Article 174 (1) of the Polish Penal Code states that "any person who induces someone to practise prostitution shall be liable to a penalty of deprivation of liberty from one year to ten years". Paragraph (2) states that "any person who profits by another person's prostitution or facilitates such prostitution for profit shall be liable to the same penalty".

82. The national law of Poland on trafficking and prostitution is based on the provisions of the 1949 Convention outlined above. Prostitutes are not penalized but brothels are illegal and profit-making from prostitution is also prohibited. The notion of exploitation of the prostitution of others through trafficking permeates the law. Although the sentencing structure requires a minimum of three years' imprisonment, the Special Rapporteur was informed that courts in actuality give less than three years and often only suspended sentences of a few months. 34/ The Special Rapporteur considers this practice to be deeply disturbing and a major hindrance to combating the crime.

83. In this context, the Special Rapporteur was informed that a draft new penal code was currently being formulated in Poland. The general perception was that imprisonment and sentencing structures will be lessened across the board, even for the crimes of trafficking and forced prostitution. There were, however, also calls from different quarters for the draft penal code to give special consideration to the problem of forced prostitution and trafficking. On the other hand, there is a demand by women's groups working with prostitutes to legalize brothels with a system of licensing and regulation which would be protective of the commercial sex worker. This type of regulation would imply minimum standards and ensure that commercial sex workers received adequate legal and medical attention. The Office of the Plenipotentiary for Women's Affairs, in commenting on the draft penal code, had also proposed to strengthen the victim's position so that the law in itself would provide for legal assistance and counselling. The right of non-governmental organizations to participate and monitor court proceedings and compensation for the victim should also be considered in the final draft. Finally, in order to protect women victims who testified and to encourage testimonies against traffickers and exploiters, the use of "witness incognito" provisions was strongly advocated. 35/ The Special Rapporteur was not able to verify the final contours of the draft penal code, but it is hoped that some of the proposed amendments will be considered seriously.

84. Another concern which was brought to the attention of the Special Rapporteur by different sources is the lack of a clear definition of "trafficking" in national and international legislation which would reflect present realities. Traditional notions of trafficking as presented in the 1949 Convention are concerned with procurement and prostitution but do not take into consideration modern variations, such as forced marriages and the exploitation of domestic workers. At the other extreme, there are those who define trafficking very broadly to include all aspects of illegal migration. In this regard, a recently drafted definition used by the Office of the Attorney-General of the Netherlands provides an interesting perspective. It states that a person guilty of trafficking is one "who induces another into prostitution by violence or an act of violence, or by threatening violence or

an act of violence, or by using his ascendancy ensuing from an actual relationship, or misrepresentation, or who undertakes any action which he or she knows or could reasonably suspect may bring the other into prostitution". The definition contains the elements of coercion, deception and abuse of authority, all aspects which distinctly characterize modern-day trafficking as a new and different phenomenon.

85. Despite the existence of a national framework in Poland for combating trafficking and prostitution, only a few cases actually come before Polish courts and in even fewer cases are the perpetrators convicted. The police provided the Special Rapporteur with statistics on the number of cases under police investigation and the Attorney-General provided figures on cases that were prosecuted. The police state that, in 1993, 42 cases (of trafficking across borders) were under investigation; in 1994, 52 cases; in 1995, 36 cases; and in the first quarter of 1996, 15 cases. Out of the 36 cases in 1995, which involved 18 provinces and 97 traffickers, only 30 traffickers were arrested, of whom only 5 were finally sentenced. In other words, only 1/20 of the traffickers involved were actually sentenced. 36/ With regard to the Attorney-General's information (which, unlike that of the police, relates specifically to art. 9 of the Penal Code and to prosecution), in 1995, there were only 27 cases of prostitution and trafficking, with 45 persons indicted and 26 convicted and receiving sentences of one to six years. In 1996, the Attorney-General's office pointed out that there were 23 investigations and 31 people had been charged. 37/

86. Most of the experts interviewed agreed that one of the reasons for such a low number of cases with regard to trafficking and prostitution is that witnesses, especially women victims, are afraid to testify. This poses a problem both for the sending as well as for the receiving country. The police are often obliged to find accommodation for the future witness to ensure that she is safe, and she must be protected from pimps and middlemen. Nevertheless, her safety can never be fully guaranteed and there is nearly always a threat to her family, especially if the perpetrators are linked to organized crime.

87. Finally, the trial procedure is often difficult and tenuous. The woman victim will have to give detailed testimony and the investigation may take some time, especially where the trafficking involves many countries. At the trial, the witness has to confirm her testimony and, as the police told the Special Rapporteur, be able to confront the traffickers in a situation of stress. The witness has to survive cross-examinations and a detailed exploration of her personal life; all in all, a very difficult situation for the woman victim. The tragedy is that, without the testimony of the woman, those involved in her trafficking cannot be brought to justice.

88. As already mentioned, in most cases, women do not testify for fear of reprisals against them or their family. The situation may be different, however, if a strong and experienced non-governmental organization is willing to support the woman. The Dutch non-governmental organization STV claims that over half of the women who sought their assistance were ready to press charges and confront the traffickers. In addition to support from non-governmental organizations and other community groups, there is a need for witness protection programmes. In Poland, there is such a programme, under which the

names of the witnesses are kept from the public and police escorts are provided until the end of court proceedings. Many women's groups, however, felt that this was not enough and that further action should be taken by the police to protect women witnesses.

89. In 1995, Poland introduced the practice of "witness incognito" for cases involving politics and organized crime to protect witnesses who testify. The witness is not physically present in the courtroom and cannot be seen by the defence. Written replies are given by the witness to the oral questions asked by the prosecutor or defence counsel. There are many who believe that this type of practice denies the human rights of the defendant since he/she is not given the right to cross-examine the witness with face-to-face questioning. However, the need to eradicate organized crime in Poland is so acute that the "witness incognito" programme was instituted despite its many disadvantages. Although this procedure had not yet been applied to cases of trafficking in women in Poland, it may be argued that a similar process should be available in such cases and that a woman witness be allowed to make use of the procedure. It has also been argued that a video presentation may be more useful than written statements and may, in addition, also serve to protect the rights of the defendant.

VIII. THE POLICE

90. The role of the police is crucial in any attempt to combat violence against women. This also holds true for the problem of prostitution and trafficking. Non-governmental organizations and women's groups confided in the Special Rapporteur that women victims of trafficking and prostitution do not entirely trust the police. Mistrust in the police was seen as a major obstacle, especially in countries of destination. Police are considered to be tough on illegal immigrants, such as women trafficked for forced prostitution, and police raids on brothels were seen in a negative light. Living on the margins of society, women victims do not naturally consider the police as friendly and supportive. The Special Rapporteur also detected the belief that the police often collude with the agents of prostitution and trafficking and could, therefore, not be trusted. The same perception existed among women's groups working with prostitutes. They argued that their research showed that police officials and local government officials facilitated and profited from the trade in women and girls, so that abuses of women victims were ignored and traffickers and middlemen protected. It is their belief that the culture of impunity of traffickers stems from their collusion with the police. 38/ Those police officials who the Special Rapporteur met strongly refuted this perception and insisted that not a single case of collusion between police and traffickers existed. Although the Special Rapporteur did not discover concrete evidence on this point, she is disturbed by the strength of this perception. It is, therefore, imperative that the police find ways and means to dispel this belief and to gain the trust and confidence of women victims.

91. Officials of the Ministry of Interior were very responsive to the concerns highlighted by the Special Rapporteur during her discussions. The Special Rapporteur was informed that the police force was a young force, with 60 per cent of the officers having under five years of professional experience. They had yet to come to terms with the issues surrounding organized crime, including trafficking. Many young police officers did not

know how to deal with the criminal terror which had come to Poland. The Deputy Minister of Interior was of the opinion that specially trained police teams should be created to handle cases involving trafficking and prostitution. He expressed concern at the lack of information in Poland on training such teams and felt it was necessary to review other country models.

92. While officials at the Ministry of Interior were very interested in the issues concerned, the Warsaw police were less enthusiastic. Officials of the Prevention Office, Police Headquarters, admitted that no special programmes of prevention existed with regard to women and certainly not in connection with prostitution and trafficking. The Special Rapporteur was informed that the Prevention Office had a programme with regard to domestic violence and alcohol abuse in the family, but not specifically on violence against women. To the Special Rapporteur's concern, it was not considered that violence against women, trafficking nor prostitution were issues which merited special attention. 39/

93. Although the Warsaw police did not regard trafficking and prostitution of women as a major problem, the police in Szczecin, at the north-western border with Germany, were very aware of the problems and seemed to be deeply involved in fighting trafficking across borders. The Special Rapporteur was informed that crimes against women are investigated by women police officers and that specific squads in all police stations of Szczecin province deal with the issue of trafficking. The police officers are required to undergo special training in counselling for problems related to these crimes. Police also conduct surveillance operations if a suspicion of cover for trafficking exists. While the Special Rapporteur visited Szczecin, the municipal police were deeply involved in uncovering the biggest operation until that date, "Djivex IV", involving trafficking of Polish women to Germany and Switzerland (see sect. I.B above).

94. In pursuing cases with regard to trafficking and forced prostitution, the police are compelled to rely on diverse sources for information, such as Interpol, border guards, police operational activities and investigations into organized crime, diplomatic representations abroad, families looking for missing persons, clients of victims and victims themselves. Although such information is received, cases are difficult to prove because victims do not testify either for fear of reprisals, as described above, or because they do not want their names implicated in scandal.

95. The Special Rapporteur also held discussions with the border authorities in Szczecin. The Special Rapporteur was informed that a citizen of Szczecin need only show a personal identification card to cross the border, in accordance with an agreement between Germany and Poland. Furthermore, it was frankly admitted that, as a general rule, it was difficult to assess whether a woman or a girl was being taken across the border for trafficking, unless the victim herself gave some kind of indication. Border guards normally inquired about the purpose of the visit of border crossers but were reluctant to interfere with travellers' rights lest they be charged with harassment. The border police were also outspoken about the fact that visa controls, especially with regard to people from Eastern Europe and the former Soviet Union, were not strict. It was their belief that the implementation of stricter visa controls would help stem the tide of trafficking.

96. The Special Rapporteur has noted the involvement of Interpol at the international and regional levels in investigating trafficking and forced prostitution of women and in bringing together national police operations to combat the phenomenon. The Special Rapporteur has also been informed that Interpol has recently appointed a person to act as the focal point on trafficking in women at its headquarters in Lyon.

IX. THE JUDICIARY

97. The judiciary in Poland has not been particularly activist or sensitive to the issues of trafficking and prostitution, despite the fact that more than 50 per cent of judges in Poland, and over two thirds in the bigger cities, are women. Since the judiciary is a relatively low-paid vocation, men take to it at the beginning of their careers and then move on to more lucrative fields. The judiciary is therefore also young, since only two years of training are needed to be a judge. 40/

98. Members of the judiciary informed the Special Rapporteur that, in recent times, some judges were being pressured and blackmailed by organized crime. The judges involved in cases of organized crime often lived in fear of their lives. There have been situations in which judges were attacked with bombs or with acid. Concern was expressed that if organized crime was involved in trafficking and prostitution there would be enormous pressure on the judges involved to rule against the women victims. This was not yet considered to be the case in Poland but fears for the future exist.

99. The Special Rapporteur was able to observe that, as already mentioned, judges give very light, suspended sentences to perpetrators of trafficking, even though the law stipulates a minimum of three years' imprisonment. According to members of the judiciary, the reason for this is related to the fact that many judges feel that sentences under the Polish Penal Code, originating in the communist regime, are generally too harsh. As a result, judges tend to give lighter sentences. 41/ The Special Rapporteur considers it, nevertheless, remarkable that a female-dominated judiciary does not seem to act differently in cases concerning trafficking and prostitution. Many individuals interviewed were of the opinion that the judiciary should be specially trained with regard to the problem of trafficking and prostitution. They should also be exposed to the international nature of this crime and the importance of punishing these offences in Poland, whether as a country of origin, transit or destination.

X. COUNTRIES OF DESTINATION

100. Recently, special governmental departments/offices have been set up in countries of destination in Western Europe, including the Netherlands, Germany and Belgium, to deal with the problem of trafficking in women. Since prostitution is legal in these countries, trafficking is the main problem. The issues involved are closely linked to immigration policies in these countries since many of the trafficked women stay in the host country without valid visas and without work permits.

101. Except for the Netherlands and Belgium, a woman from a Central or Eastern European country caught without a valid visa, involved in trafficking,

will be immediately deported. As a result, there exist very few investigations with regard to trafficking and forced prostitution, since the primary witnesses have been sent away from the country. In the Netherlands, however, there exist guidelines on trafficking and prostitution for police officials and the immigration police. If a woman is caught in a brothel, allegedly a victim of trafficking, she will not be deported but given three months to decide whether she will testify. If she decides to testify against her traffickers, she has permission to stay in the Netherlands until the termination of her trial. After the trial, unless her appeal is viewed favourably by the Ministry of Interior on humanitarian grounds, she will be deported. 42/

102. In Belgium, under a similar regulation, the woman victim is given a 45-day temporary residence permit to allow her to decide whether she will testify against her traffickers. If she agrees to do so, she will be given a further three months, renewable every three months thereafter with the agreement of the prosecutor. 43/ In Germany, women victims are usually deported immediately. They may, however, in exceptional circumstances receive a temporary residence permit on humanitarian grounds for a period of two to three years.

103. Many members of women's groups the Special Rapporteur interviewed were of the view that the immigration policies of countries of the European Union were in great measure responsible for the dependency and vulnerability of women victims of trafficking. 44/ Since most of the victims have been trafficked illegally, they become dependent on pimps and brothel owners for their stay in the country. Since many have come to Western Europe in search of employment, they are reluctant to return home and remain at the mercy of their traffickers. It is unlikely that countries of destination in Western Europe will develop more open policies towards immigration, but in the interim, the examples of Belgium and the Netherlands point to the fact that traffickers may be more easily indicted if the victims of trafficking are given an opportunity to initiate cases against them. This important innovation has assisted the Dutch and Belgian Governments in bringing cases against traffickers. Consequently, if perpetrators of these crimes are to be punished, it is important that immigration policies are sensitive to the need to protect and support women victims of trafficking.

104. Deported women return to their countries of origin, including Poland, with very little support. In some host countries, non-governmental organizations provide assistance, including vocational training, to women victims until their deportation, but once in their home countries they are completely on their own. Women who have returned are afraid that they will not be accepted by their families or local communities, they fear revenge and blackmail from their traffickers - all of which the women have to face mostly alone. In Poland, the Special Rapporteur found that there exist no programmes whatsoever for returning women: no police programmes, no shelters and only very few non-governmental organizations dealing with this problem, except for the recently established organization La Strada. The women victims receive no assistance in resocialization and in rebuilding their lives. The Special Rapporteur considers this an important issue which should receive the attention of policy makers, law enforcement officials and non-governmental organizations.

105. The Special Rapporteur also held fruitful and interesting discussions with representatives of the Ministry for Foreign Affairs on the need to raise awareness and provide training for Polish diplomats and consular service staff in countries of destination where Polish women victims of trafficking might seek help in returning home. The difficulties encountered in verifying the nationality of women victims abroad if all their documents have been taken away were emphasized. The officials of the Ministry for Foreign Affairs, whilst regretting that owing to financial restrictions it would not be possible to have a full-time official in charge of problems related to trafficking and prostitution at Polish embassies and consulates, a gender-sensitive training component, including a briefing on trafficking and procedures to follow in such cases, could be incorporated into the training programme for future diplomats and consular service staff.

XI. REHABILITATION

106. As recounted above, in Poland, there exist no specific rehabilitation programmes for victims of trafficking and forced prostitution. Although the Special Rapporteur had the opportunity to visit a very clean and well-maintained shelter run by local government authorities in Warsaw, the shelter was primarily intended for victims of domestic violence. Neither do there exist any specific attempts to reach out to women who may have been victims of trafficking and forced prostitution. Officials at the Ministry of Labour informed the Special Rapporteur that vocational training was made available for former prostitutes. It was also mentioned that social welfare centres and street workers dealt with victims of trafficking and forced prostitution on a random basis but that no special programmes for these victims as such existed. The Special Rapporteur was encouraged that a need to devise such programmes in the near future was recognized.

107. The Catholic Church in Poland is an important and influential institution with its own network and activities. In meetings with representatives of the Catholic Church, the Special Rapporteur was informed that no special programmes for victims of prostitution and trafficking were carried out. There exist, however, special groups of nuns and sisters who work with prostitutes and those who have left prostitution by offering psychological therapy and access to rehabilitation homes to allow them to return to the values of the Church. In addition, the Church has 39 houses throughout the country mainly for single parents, which were also said to be available for victims of prostitution and trafficking. 45/

108. In this context, many women's groups felt that elements within the Catholic Church in Poland had fostered ideas opposed to women's rights and that no special emphasis should, therefore, be placed to encourage the Church to play a role in issues of trafficking and forced prostitution. The Special Rapporteur noted that there existed increased tension between general women's groups and women's groups that were close to the Church. Many women's groups felt that the pro-family, anti-abortion stand of the Church did not assist in interventions with regard to violence against women within the family. There also existed the belief that certain attitudes towards women fostered by the Catholic Church, such as the traditional concept of "Mother Poland", would not be useful in attempting to solve the problem of trafficking and forced prostitution since they had created a dehumanized view of prostitutes and

"fallen" women. Many argued that this attitude still prevailed in society in general: the State need not intervene to protect women victims of trafficking and prostitution because women involved in these activities had "asked for it" and thereby taken a "professional risk" and should not complain when traffickers failed to deliver.

XII. HEALTH

109. Polish authorities also alerted the Special Rapporteur to the health problems associated with trafficking and prostitution. Since many women entered the country of destination legally albeit, on tourist visas, their extended stay rendered their existence illegal, leaving them without access to any social or health services. This posed a significant problem in relation to the high health risks many of these women were subjected to as prostitutes.

110. The problem of HIV/AIDS and sexually transmitted diseases was specially mentioned. Clients often refused to use condoms, resulting in a high risk of infection and disease. There were no data available on the health problems of prostitutes and victims of trafficking in particular. Women in Poland, however, constituted 25 per cent of persons with HIV/AIDS. Of these, 75 per cent were substance abusers and only 4 per cent were infected as a result of sexual activity. It was the conclusion of health officials that, at present, prostitution and trafficking did not seem to be a significant factor in Poland with regard to HIV/AIDS infection. 46/ It was their belief that prostitutes in Poland seemed to be aware and educated as to the risks of HIV/AIDS infection. The health status of women victims of trafficking who were in Poland illegally, however, was unknown. The health authorities were attempting to monitor the situation carefully.

111. The Special Rapporteur was informed that there were special health clinics for sexually transmitted diseases and HIV/AIDS, also in the province of Szczecin, and that extensive public education programmes for health-oriented behaviour were under way. With regard to trafficking and prostitution, however, high-school girls who might engage in occasional prostitution were at greatest risk. The lack of consistent and comprehensive sex education in schools was an exacerbating factor. Major problems with regard to privacy and confidentiality of HIV testing in Poland had also arisen. Officials of the Ministry of Health assured the Special Rapporteur that in some specialized STD/HIV/AIDS health clinics, such as in Szczecin, staff had been trained to treat HIV/AIDS patients and to ensure their rights to privacy and confidentiality.

112. The Special Rapporteur noted with satisfaction the activities of UNDP Poland aimed at promoting awareness in the context of the HIV/AIDS epidemic. As part of its programme, UNDP organized a seminar on legal and ethical issues and HIV/AIDS. However, as Poland is a Catholic society and the Polish Church is opposed to all methods, except natural, of family planning, problems exist in ensuring large-scale use of condoms in preventing HIV infection. Regardless of this, however, health officials in Poland seemed very aware of the possible health problems which could occur from increased trafficking and prostitution and seemed determined to confront these problems as they arose.

XIII. INSTITUTIONS CONCERNED WITH WOMEN'S AFFAIRS

113. In Poland, the governmental focal point for women's affairs is with the Plenipotentiary for Family and Women's Affairs, at the Council of Ministers. The Plenipotentiary, established in 1995, has ministerial rank, but without a ministry or an operational budget. The Special Rapporteur was informed that at that time the Parliamentary Group on Women was elaborating a draft act proposing to provide the Plenipotentiary with her own ministry and budget. The Plenipotentiary is not a member of cabinet but may participate at cabinet meetings upon invitation. She is expected to give opinions on draft legislation with regard to women's issues and to coordinate women's activities at the level of Government. In this regard, the Plenipotentiary's Office coordinated the preparation of the Polish National Report to the Fourth World Conference on Women in Beijing and is in the process of formulating a National Plan of Action for Women in the framework of the follow-up to the Conference.

114. The Special Rapporteur was informed of many future activities incorporated in the Plan of Action with regard to violence against women in general and prostitution and trafficking in particular. Envisaged activities include a national awareness-raising campaign entitled "Zero tolerance for violence", as well as education programmes targeted at eliminating stereotypes and changing mentalities with regard to violence against women. The need for sensitizing the judiciary and the police has also been recognized in order to increase reporting of violence against women, to avoid double victimization of women and to encourage rehabilitation and resocialization programmes for women victims of violence, as well as for perpetrators. Data collection on trafficking and prostitution was also mentioned as a priority. Furthermore, the Plenipotentiary's Office has established a forum for cooperation and discussion with non-governmental organizations and women's groups to coordinate national activities on women's rights and violence against women. Finally, the Plenipotentiary has also requested all 49 provincial governments to appoint a focal point on women's affairs, or a regional plenipotentiary for women's affairs, within their existing structure. The obstacle to full implementation of these activities, however, remains the lack of an independent budget at the Plenipotentiary's disposal.

115. The Polish Ombudsman is another institution of civil society which may be useful with regard to promoting women's issues. At present, the Ombudsman's Office has no particular programme with regard to women, although there exists a small unit dealing with issues related to family and children. In view of the scarcity of communications on women's rights reaching the Ombudsman, an attempt to publicize the use of the Ombudsman's Office for lodging complaints could be made.

XIV. INTERNATIONAL AND REGIONAL COOPERATION

116. European Union countries are increasingly attempting to come to terms with the problem of trafficking across borders. In December 1995, the Committee on Civil Liberties and Internal Affairs of the European Parliament issued a report on trafficking of human beings. 47/ The report defines trafficking as "the illegal action of someone who, directly or indirectly, encourages a citizen from a third country to enter or stay in another country in order to exploit that person by using deceit or any other form of coercion

or by abusing that person's vulnerable situation on administrative status". 48/ The report also "points out that joint action should be taken immediately to combat this problem", 49/ urges cooperation between the member States' police bodies as provided for by the Europol Convention, 50/ and calls for the computerized exchange of information so that transnational trafficking networks can be challenged. Furthermore, the report urges the development of suitable training courses for police agents working at the frontier. The programme calls for a comprehensive effort with regard to combating trafficking across borders and urges member States to take effective action in the form of gathering information, passing effective legislation, carrying out penal measures and in assisting the victims.

117. The section on the protection of the victim is particularly interesting. It urges the adoption of the Dutch and Belgian practice of temporary residence permits for women victims willing to testify, action to protect the victim from blackmail and revenge, and the provision of all necessary services to ensure that there is an effective court case. Countries of origin are requested to organize support facilities with the central features being "confidentiality, education and training to encourage economic independence and social integration". 51/ At the end, the report calls upon the European Commission and its member States to take action at the international level to draft a new United Nations convention on trafficking of persons to supersede the 1949 Convention. The Commission on Human Rights is also requested to appoint a special rapporteur on the traffic in human beings.

118. The European Union has also taken some positive measures on the ground to combat the problems associated with trafficking. The European Union is sponsoring the non-governmental organization La Strada, formed by four partner organizations from Poland, the Czech Republic, the Netherlands and Ukraine. The project is aimed at increasing the visibility of the problem of trafficking in women at the European level.

119. In addition to cooperation at the European governmental level, there also exist agreements between police forces in different countries to help combat crime, especially organized crime, with some impact on the problem of trafficking. At the International Seminar on Trafficking and Prostitution in Warsaw, the border police from different countries pointed out to the Special Rapporteur that close cooperation across European frontiers existed with regard to trafficking through sharing of operational and surveillance information. Interpol is also increasingly involved in investigating international trafficking of women. An Interpol officer described a recent case of a Swiss brothel operated by an Albanian involving trafficked Polish and Czech women. In that case, despite close cooperation between the Polish, Swiss, Czech, Albanian and German police, difficulties had emerged in bringing the case to trial because some women victims refused to testify. 52/

120. The problem of trafficking across borders will only be effectively combated if close and systematic cooperation between countries, especially with regard to police information and practice, is achieved. The prosecutors and their counterparts in all implicated countries will also have to be involved in this cooperative endeavour. The Special Rapporteur has noted that the concerned European Governments are aware of the issues involved and, owing *inter alia*, to pressure from numerous non-governmental organizations are being

compelled to take the necessary action. However, most of the activities and measures undertaken of which the Special Rapporteur was informed were relatively new and of a preliminary nature. It is, therefore, important that the effectiveness of these measures is assessed and the activities expanded. Further assistance should be given to non-governmental organizations working with women victims of trafficking and forced prostitution.

XV. THE ROLE OF NON-GOVERNMENTAL ORGANIZATIONS

121. Non-governmental organizations working with women victims of prostitution and trafficking have played an important role in bringing about awareness of these issues. In addition, they have lobbied successfully to get Governments such as the Netherlands and Belgium to change their immigration policies in an effort to increase their capacity to fight trafficking and forced prostitution. Since non-governmental organizations are independent, they are more likely to win the trust of women victims.

122. Many non-governmental organizations feel that the best way to reach women victims is to speak about health problems, since most women are responsive to this concern. 53/ Non-governmental organizations and women's groups may provide awareness-raising, shelter, medical and psychological care, assistance in repatriation and accommodation and lobby Governments to strengthen laws and the criminal justice system. Unfortunately, except for La Strada, there are no non-governmental organizations working in a similar vein in Poland. As a result, Polish women victims do not have the support base in their country of origin, making them particularly vulnerable to trafficking at the outset. In addition, when Polish women are deported from abroad, there are no attempts to assist or counsel them upon arrival in Poland.

123. La Strada, as mentioned above, is a one-year pilot project, established in September 1995, supported by the European Union PHARE Programme, and conducted by non-governmental organizations in Poland, the Czech Republic, Ukraine and the Netherlands. This project operates on the basis that the phenomenon of trafficking in women, as an international crime, necessitates an international response and international efforts for its prevention. The organization of seminars bringing together key actors in affected countries, such as the one attended by the Special Rapporteur in Warsaw during her visit, is an example to be followed in establishing international strategies for combating trafficking of women.

124. Other activities carried out by La Strada include:

(a) A press and media campaign aimed at attracting the interest of serious media and journalism, so as to publicize the issue of trafficking and raise awareness;

(b) Lobbying of policy makers and politicians and other influential sectors of society (police, the Church, immigration and customs officials, embassy and consular representatives), so as to initiate actions, strategies and policies for the elimination of the traffic in women);

(c) Education and training campaigns directed at the most vulnerable group, namely girls and young women, in educational institutions, schools, residences (through leaflets, etc.);

(d) Provision of legal, social, financial and material assistance to victims of trafficking (physical and psychological rehabilitation, professional retraining, provision of shelter, lawyers, hot-line services, medical aid, assistance in contacts with the police, embassies, etc.) as well as to their families;

(e) Monitoring of cases of trafficking and forced prostitution in the courts, especially in contact with the prosecution.

125. It is difficult to determine the effectiveness of La Strada since the network has only recently been established, but the organizations involved seemed both committed and very determined.

126. The Centre for the Advancement of Women (Warsaw) focuses on women and labour. The Centre has an agreement with La Strada that women victims of trafficking who return home would have the possibility of joining professional retraining courses and rehabilitation training organized by the Centre. The Special Rapporteur considers the role of non-governmental organizations in the rehabilitation of victims, including their reintegration into professional life, as crucial.

127. In the Netherlands, STV (Foundation against Trafficking in Women), in addition to lobbying for a temporary residence permit for women victims who are willing to testify, has advised the Attorney General on guidelines with regard to the prosecution of cases relating to trafficking and forced prostitution. STV has worked with the police in developing a manual to assist police in confronting the problem of trafficking. Furthermore, STV counsels women victims of violence, providing them with social support, medical and legal assistance and training and accompanying them to the court proceedings. 54/ STV assists women victims in obtaining a temporary residence permit, accompanying her to the police station or court-house, and in preparing her for the return to her country of origin. In specific cases, STV may assist women victims in attempting to obtain a visa after trial on humanitarian grounds.

128. PAYOKE, a non-governmental organization working with women victims in Belgium, has also been very active in fighting the problem of trafficking. PAYOKE receives the patronage of H.R.H. Queen Fabiola and the Belgian royal family. It has developed an understanding with the authorities that it reserves the right to give legal documentation to women victims and to provide them with the necessary legal endorsements. PAYOKE helps women victims through the legal process, accompanying them during interrogation, and provides counselling, welfare payments and accommodation for those who decide to stay in Belgium and testify. PAYOKE has been effective in bringing many traffickers to court, even those associated with organized crime. As a result, PAYOKE has been a victim of violence itself: its windows have been broken and parts of its offices have been burnt down. Despite this threat, PAYOKE continues to do effective work. 55/

129. The Transnational Project for Preventing AIDS and STDs for Foreign Prostitutes in the European Union (TAMPEP) operates in the Netherlands, Germany, Italy and Austria. TAMPEP works with "cultural mediators" that function as health and social workers, interpreters and psychological counsellors at the same time, who assist specific target groups of women victims by ethnic groups. According to TAMPEP, a notable increase in prostitutes from Eastern Europe to Central and Western Europe in the last three years is detectable, since in 1993 mainly Polish women were trafficked but in 1996 the women have come mainly from the Commonwealth of Independent States, as a direct result of the increased poverty and organized crime in those countries. Furthermore, a notable change in the tastes of Western "customers" who at present seem to prefer Caucasians where once they sought Latin American, African and Asian women is another contributing factor.

130. PHOENIX, a Berlin-based non-governmental organization, provides accommodation for women who want to quit prostitution, offers drug rehabilitation programmes for former prostitutes and provides health-care advice on STDs/HIV/AIDS. In addition, PHOENIX provides free legal advice and advice in the victims' own language. It works with the police, labour and health ministries and embassies on behalf of victims. Assistance to victims in returning to their countries of origin is also provided.

131. There also exist some organizations or collectives in countries where prostitution is legal which work for the protection of the rights of prostitutes, such as Red Threat in the Netherlands. The Special Rapporteur was informed that these organizations are generally hostile to prostitutes from Central and Eastern European and developing countries. It is, therefore, difficult to involve these organizations in the protection of the rights of trafficked women.

132. After her mission, the Special Rapporteur is able to state without a doubt that non-governmental organizations and women's groups play a key role in preventing and combating the phenomenon of trafficking and forced prostitution. Unfortunately, there exist too few such organizations at present, especially in Poland, but the activities of these few should serve as an inspiration for Governments and communities alike.

133. In the first instance, the role of non-governmental organizations in awareness-raising at the community level is crucial. Not only have they brought closer to the public, through media and information campaigns, the existence and extent of the phenomenon of trafficking and forced prostitution and the dangers involved, but they have also lobbied policy makers successfully so that the need for concrete action cannot be ignored. Furthermore, it is important to understand that non-governmental organizations provide an important link between all actors that should be involved in combating trafficking and forced prostitution by liaising with the police, Interpol, the judiciary, border authorities, diplomatic missions abroad, families of victims and the victims themselves. The Special Rapporteur would like to emphasize, however, that closer cooperation and mutual trust between non-governmental organizations and the police should be established in Poland, since both are key partners in a concerted effort to combat trafficking.

XVI. RECOMMENDATIONS

A. At the international level

134. The Special Rapporteur calls for a fuller discussion of the international standards relating to the question of trafficking and prostitution. This discussion should include an evaluation of existing mechanisms, including the Convention for the Suppression of the Traffic in Persons and of the Exploitation of the Prostitution of Others, and the formulation of creative alternatives, not only relating to substantive legal issues but also with reference to monitoring and implementation mechanisms.

135. There should be increased cooperation, at both regional and international levels, with regard to combating trafficking. Interpol should set up a special unit specifically designed to meet the problem of international trafficking by actively assisting States in their campaigns against terrorism. Increased information and intelligence data-sharing should be carried out on a systematic basis and not in the current ad hoc manner. National contact points should be maintained for international cooperation and directories of traffickers should also be maintained for easy international access.

136. There should be international and regional cooperation among police forces. In addition to exchanging information on possible cases, there should be an attempt to share information with regard to training, police practice and evidence-gathering. The setting of international guidelines for the police in the areas of forced prostitution and trafficking may be one way of standardizing police practice.

137. There should be an international and a regional exchange of information among the judiciary so that information on the interpretation of substantive law, on evidentiary practice and on sentencing can be shared and acted upon. The setting of international standards with regard to the legal aspects of cases of forced prostitution and trafficking may be one way of influencing judges to be more activist in their protection of the rights of victims of trafficking and forced prostitution.

138. The immigration policy of countries of destination should be revised to protect the rights of women victims of trafficking and to ensure procedures whereby traffickers of women can be brought to trial. The procedures applied in the Netherlands and Belgium may be regarded as first steps in this direction.

139. Since it appears that unemployed women are vulnerable to prostitution and trafficking, and since much of this unemployment is due to structural adjustment policies, it is important to conduct international research on the effects of such policies on women and to devise international regulations which would ensure that social justice for women is realized within the national context.

140. United Nations organizations, such as the United Nations Development Programme, have an important role to play in the struggle to eliminate forced prostitution and trafficking, and associated problems. The Human Rights,

Ethics and Law Network of the HIV/AIDS and Development Programme of UNDP should be expanded to include a focus on women victims of forced prostitution and trafficking. All relevant United Nations bodies and organs may be called upon to play an important role in the follow-up activities related to this report, including the provision of advisory services and technical cooperation, in the form of sensitizing the police, judiciary and other local institutions which are involved in combating forced prostitution and trafficking.

B. At the national level

141. The Government of Poland should formulate a national policy for coordinated, multidisciplinary action to eliminate the problem of forced prostitution and trafficking. The policy may be included within a general national plan of action to eliminate violence against women in Polish society.

142. There should be a concerted effort to systematically collect information, data and statistics on violence against women in general and prostitution and trafficking in particular. The Polish police should work closely with those institutions of Government responsible for census and statistical information to gather comprehensive data on violence against women, in order to be able to evaluate the real extent of the issues at hand.

143. Recognition must be given to the fact that present social and economic policies, which result in high rates of unemployment for women, directly perpetuate a crisis in the form of increased forced prostitution and trafficking. Social policies should be constructed to ensure that the marginalized women in Polish society are given alternative avenues for their vocations and livelihood and are guaranteed the full enjoyment of their human rights as a preventative strategy for eliminating trafficking and forced prostitution of women.

144. The Special Rapporteur calls upon the Government of Poland to establish a separate ministry for women's affairs with an independent operational budget. Although important plans have been formulated by the Plenipotentiary for Family and Women's Affairs, the lack of an independent ministry with its own resources has prevented effective action. A minister for women's affairs would then have the opportunity to formulate national plans of action in important areas of women's rights, including violence against women and trafficking and forced prostitution of women.

145. The Special Rapporteur recommends that the Ministry of Labour establish a specialized unit to address the problem of migrant women workers in the areas of domestic service and the entertainment industries. Employment agencies for migrant workers should be registered and Polish women going abroad as migrant workers should be advised of their rights. The specialized unit may also insist that a contract protecting the rights of migrant workers be drawn up between migrant workers and their employers/agencies.

146. The Government of Poland should consider the possibility of amending its Penal Code so as to update those provisions relating to trafficking and prostitution with regard to modern developments, such as fake marriages, false employment abroad, sex tourism and false domestic labour. A clear and

comprehensive definition of trafficking could also be included and the sentencing structure reviewed with regard to those involved in trafficking of human beings. Evidentiary procedures, such as provisions relating to "witness incognito", should be formulated in order to protect women victims and in turn increase reporting and testifying in connection with trafficking and prostitution.

147. The Special Rapporteur encourages the Government of Poland to embark on a comprehensive programme of police training with regard to combating violence against women. One important aspect of such a programme should be training with regard to the elimination of forced prostitution and trafficking. Guidelines should be formulated which should also address the treatment of women victims, and border officials should be given special training on international cooperation in combating trafficking.

148. The Special Rapporteur further calls upon the Government of Poland to devise special programmes for governmental institutions involved in women's issues with regard to gender-sensitization and issues relating to violence against women with a special focus on the problems of forced prostitution and trafficking. Such training should be extended to the judiciary, especially with a view to establishing guidelines with regard to the sentencing of perpetrators of trafficking and forced prostitution.

149. In partnership with non-governmental organizations, the Government of Poland is urged to ensure that special services are made available for women victims of forced prostitution and trafficking. Such services should include medical and legal aid for women victims of trafficking and prostitution, especially those who wish to pursue the case against their traffickers. There should be shelters and refuges for women victims of forced prostitution and trafficking living in Poland or those who return after being deported from countries of destination. There should be vocational training, counselling and guidance available for these women victims at certain select centres, especially in the border areas. These services should be widely publicized and easily accessible.

150. The Government of Poland, through the Ministry of Health, is urged to strengthen existing programmes with regard to health and sex education, including effective awareness-raising on the issue of women and HIV/AIDS. Health facilities should be easily accessible for women victims, especially for treatment of HIV/AIDS and sexually transmitted diseases, and the protection of all human rights of women, especially their right to privacy and confidentiality with regard to testing for HIV/AIDS, should be guaranteed.

151. Institutions in Government responsible for women's affairs along with the Ministry of Education should put forward educational material, especially in schools, which combat negative stereotypes of women. Secondary educational institutions should have special programmes to educate women with regard to the dangers of trafficking since more and more women victims seem to come from this age group. There should be awareness-raising among teenage girls so that they do not fall prey to the activities of international middlemen and traffickers. School principals, teachers and parents should all participate in attempting to prevent teenage prostitution and trafficking.

C. Activities of non-governmental organizations

152. Non-governmental organizations and women's groups should attempt to set up at local, as opposed to regional level organizations and groups with the objective of helping women victims of trafficking and prostitution. These organizations and groups should be funded by donors and have a programme of activities which would help Poland combat the problems of forced prostitution and trafficking. Such non-governmental organizations should engage in:

(a) Gathering of data and statistics with regard to prostitution and trafficking;

(b) Developing jurisprudence and legal awareness with regard to the issues relating to forced prostitution and trafficking;

(c) Providing shelters for women victims of forced prostitution and trafficking;

(d) Providing legal and medical counselling for women victims of forced prostitution and trafficking;

(e) Providing vocational training and other forms of assistance to women victims of forced prostitution and trafficking;

(f) Developing sex education programmes for secondary school students, especially female students, as a key to empowering women and increasing their awareness of their own bodies and of sexual safety;

(g) Reaching out to women who have been deported from receiving countries for prostitution and trafficking;

(h) Conducting educational and media campaigns aimed at raising awareness on this issue so that young girls do not become victims and society in general begins to understand the serious nature of the problem.

Notes

1/ Statistics for this section are drawn from Plenipotentiary of the Polish Government for Family and Women's Affairs, National Report to the Fourth World Conference on Women, Beijing, 1995; Helsinki Watch, Women's Rights Project, Hidden Victims: Women in Post-Communist Poland, Human Rights Watch, New York, 1992; and Polish Committee of NGOs, Situation of Women in Poland, Warsaw, March 1995.

2/ Situation of Women in Poland, op. cit., p. 57.

3/ Ibid., p. 58.

4/ National Report to the Fourth World Conference on Women, Beijing op. cit., p. 131.

5/ All statistics with regard to unemployment are taken from Hidden Victims: Women in Post-Communist Poland.

6/ Situation of Women in Poland, op. cit., p. 20.

7/ Hidden Victims, op. cit., p. 7.

8/ Ibid.

9/ National Report, op. cit., p. 126.

10/ Ibid.

11/ Ibid., p. 129.

12/ International Organization for Migration (IOM), Trafficking and Prostitution: The Growing Exploitation of Migrant Women from Central and Eastern Europe, Budapest, May 1995, p. 12.

13/ Situation of Women in Poland, op. cit., p. 20.

14/ Ibid., p. 21.

15/ Interview with Ms. Anna Maria Knothe, Centre for the Advancement of Women, Warsaw, 29 May 1996.

16/ Statistics provided by the Centre for the Advancement of Women, Warsaw.

17/ IOM, op. cit., p. 15.

18/ Interview with Ms. Anna Maria Knothe, op. cit.

19/ Ibid.

20/ IOM, op. cit., p. 4.

21/ Ibid., p. 10.

22/ Ibid., p. 17.

23/ Interview with Inspector Boguslaw Tomtala, Police Headquarters, Warsaw, 25 May 1996.

24/ Interview with Colonel Jan Szymkiewicz, Szczecin border authorities, Szczecin, 30 May 1996.

25/ Interview with Inspector Boguslaw Tomtala, op. cit.

26/ Ibid.

27/ Interview with Inspector Jos Hermans, Limburg Police, The Netherlands, 25 May 1996.

28/ Interview with Mr. Marek Nowicki, President, Helsinki Foundation for Human Rights, Warsaw, 31 May 1996.

29/ The Special Rapporteur has received literature from two different schools of activists working on the issue of trafficking and prostitution, putting forward different alternatives with regard to definitional and substantive matters related to the issue. The Special Rapporteur takes no position on this debate and calls for a more comprehensive discussion of the issues at the international level.

30/ Interview with Mr. Marek Nowicki, op. cit.

31/ Human Rights Watch, Global Report on Women's Human Rights, New York, 1995, p. 199.

32/ Ibid., p. 202.

33/ Ibid., p. 201.

34/ Interview with Inspector Boguslaw Tomtala, op. cit.

35/ Interview with Minister Jolanta Banach, Government Plenipotentiary for Family and Women's Affairs, Warsaw, 28 May 1996.

36/ Interview with Inspector Boguslaw Tomtala, op. cit.

37/ Interview with Mr. Stefan Sniezko, Deputy Attorney-General, and Mr. Henryk Stepien, Deputy Attorney-General, Ministry of Justice, Warsaw, 28 May 1996.

38/ Interview with representatives of La Strada. The Human Rights Watch Global Report also indicates that collusion with police is an intrinsic part of trafficking in other case studies, op. cit., p.264.

39/ Interview with Mr. Boleslaw Stanejko, Deputy Director, and Mr. Waldemar Bejger, Head of Prevention Office, Police Headquarters, Warsaw, 27 May 1996.

40/ Interview with Supreme Court Judge Teresa Romer, President of the Association of Judges "Iustitia", Warsaw, 26 May 1996.

41/ Ibid.

42/ Interview with Inspector Jos Hermans, op. cit.

43/ Presentation made by Ms. Veronique Grossi, PAYOKE, Antwerp, Belgium, at the International Seminar on Trafficking and Prostitution, Warsaw, 25 May 1996.

44/ Presentation made by Ms. Hanka Mongard, TAMPEP, Amsterdam, The Netherlands, at the International Seminar on Trafficking and Prostitution, Warsaw, 25 May 1996.

45/ Interview with Father Andrzej Przyba and Ms. Elzbieta Chojnacka, Instructor of Family Counselling, Centre for Ministration to Families, Warsaw, 29 May 1996.

46/ Interview with Mr. Andrzej Zbonikowski, Department of Health Policy, and Dr. Magdalena Pynka, specialist in sexually transmitted diseases, Ministry of Health and Social Welfare, Warsaw, 28 May 1996.

47/ European Parliament DOC-EN/RR/288/288916, Strasbourg, December 1995.

48/ Ibid.. paragraph 1.

49/ Ibid., paragraph 5.

50/ Ibid., paragraph 20.

51/ Ibid., paragraph 28.

52/ Presentation by Ms. Maria Halczyj-Siwecka, Interpol, Warsaw, at the International Seminar on Trafficking and Prostitution, Warsaw, 25 May 1996.

53/ Presentation by Ms. Hana Malinova, "Bliss without Risk", Prague, Czech Republic, at the International Seminar on Trafficking and Prostitution, Warsaw, 25 May 1996.

54/ Interview with Ms. Trijntje Koostra, General Coordinator, STV, The Netherlands, 25 May 1996.

55/ Presentation by Ms. Veronique Grossi, PAYOKE, op. cit.

Annex I

SELECTED LIST OF PERSONS/ORGANIZATIONS CONSULTED BY THE SPECIAL RAPPORTEUR DURING HER MISSION

Ms. Jolanta Banach	Minister Plenipotentiary for Family and Women's Affairs
Ms. Barbara Labuda	Minister, Chancellery of the President
Mr. Jerzy Zimowski	Deputy Minister of Interior
Mr. Jakubowski	Director-General, Ministry of Foreign Affairs
Mr. Zbigniew Szymanski	Deputy Director, United Nations System Department, Ministry of Foreign Affairs
Ms. Jolanta Drabarek	Vice-Director, Social Affairs Bureau, Chancellery of the President
Prof. Eleonora Zielinska	Researcher, Council of Ministers
Dr. Maigorzata Fuszara	Researcher, Council of Ministers
Mr. Krzysztof Wieckiewicz	Adviser to the Minister, Department of Social Assistance, Ministry of Labour
Prof. Zofia Kuratowska	Vice-Marshall, Senate, Seym
Mr. Stefan Sniezko	Deputy Attorney-General, Ministry of Justice
Mr. Henryk Stepien	Deputy Attorney-General, Ministry of Justice
Mr. Andrzej Niewielski	Prosecutor, Ministry of Justice
Prof. Adam Zielinski	The Ombudsman
Mr. Andrzej Zbonikowski	Director, Department of Health Policy, Ministry of Health and Social Welfare
Dr. Magdalena Pynka	Department of Infectious Disease, Ministry of Health and Social Welfare
Amb. Audrey Glover	Director, Office for Democratic Institutions and Human Rights, Organization for Security and Cooperation in Europe
Ms. Grazyna Stronikowska	Prosecutor, Bydgoszcz
Mr. Bolesiaw Stanjeko	Deputy Director, Police Headquarters Warsaw

Mr. Waldemar Bejger	Head of Prevention Office, Police Headquarters Warsaw
Inspector Boguslaw Tomtaia	Inspector, Police Headquarters Warsaw
Inspector Edward Wiesiolek	
Sub-Insp. Igncy Drazkiewicz	
Officer Henry Pawelec	Department of Organized Crime, Provincial Police Headquarters, Szczecin
Colonel Jan Szymkiewicz	Chief Investigator, Border Police Szczecin
Ms. Maria Halczyj	Interpol Warsaw
Mr. Pawel Bartnik	Deputy President
Mr. Jacek Turkowski	Plenipotentiary for Prevention of Social Pathologies, Municipal Office of Szczecin
Judge Teresa Romer	Supreme Court Judge; President, Association of Judges "Iustitia"
Mr. Andrzej Kremplewski	Institute of Crime Prevention, University of Warsaw
Ms. Barbel Butterweck	La Strada
Ms. Stana Buchowska	La Strada
Mr. Marek Nowiecki	Helsinki Foundation for Human Rights
Ms. Maria Anna Knothe	Centre for the Advancement of Women
Mr. Boguslaw Zakrzewski	Inter-Parliamentary Union
Ms. Beata Fiszer	PSF Women's Centre
Ms. Jolanta Plakwicz	PSF Women's Centre
Mr. Zbigniew Lasocik	International Commission of Jurists
Mr. Marek Walczak	International Commission of Jurists
Mr. Marek Zielinski	International Commission of Jurists
Mr. Boguslaw Stanisławski	Amnesty International Polish Section
Ms. Ursula Nowakowska	Women's Rights Centre
Ms. Inga Iwasiow	University of Szczecin

Dr. Anna Nowak	University of Szczecin
Ms. Elzbieta Chojnacka	Instructor of Family Counselling, Centre for Ministration to Families
Father Andrzej Przyba	Centre for Ministration to Families
Ms. Kasia Malinowska	Programme Coordinator, HIV and Development, United Nations Development Programme
Mr. Jos Hermans	Police Inspector, Limburg, The Netherlands
Mr. Henk Hagen	Police Investigator, The Netherlands
Ms. Trintje Koostra	La Strada, Groeningen, The Netherlands
Ms. Hanka Mongard	TAMPEP, Amsterdam, The Netherlands
Mr. Andreas Reinhardt	Police Inspector, Berlin, Germany
Ms. Oksana Horbunova	Ukrainian Centre for Women's Studies
Ms. Veronique Grossi	PAYOKE, Belgium